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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

VERNON UNSWORTH,

Plaintiff,

vs.

ELON MUSK,

Defendant.

Case No. 2:18-cv-08048

Judge: Hon. Stephen V. Wilson

**[PROPOSED] ORDER GRANTING
DEFENDANT ELON MUSK’S
MOTION FOR SUMMARY
JUDGMENT OR IN THE
ALTERNATIVE PARTIAL
SUMMARY JUDGMENT**

[PROPOSED] ORDER

This matter is before the Court on Defendant Elon Musk's Motion for Summary Judgment on Plaintiff Vernon Unsworth's defamation claim pursuant to Fed. R. Civ. P. 56(a). In the alternative, Defendant's Motion for Summary Judgment requests partial summary judgment, and/or orders pursuant to Fed. R. Civ. P. 56(g) on the grounds that these parts of Plaintiff's claim have no merit, there is no triable issue as to any material fact, and Defendant is entitled to partial judgment as a matter of law on the following:

1. that Plaintiff is a limited purpose public figure for purposes of his defamation claim;
2. that an article published on the BuzzFeed website, on September 4, 2018, as reflected in Exhibit K to the Complaint, does not constitute defamation by Mr. Musk;
3. that the tweet made by Mr. Musk as reflected in Exhibit B to the Complaint does not constitute defamation by Mr. Musk;
4. that the tweet made by Mr. Musk as reflected in Exhibit C to the Complaint does not constitute defamation by Mr. Musk;
5. that the tweet made by Mr. Musk as reflected in Exhibit D to the Complaint does not constitute defamation by Mr. Musk;
6. that the tweet made by Mr. Musk as reflected in Exhibit E to the Complaint does not constitute defamation by Mr. Musk;
7. that the tweet made by Mr. Musk as reflected in Exhibit F to the Complaint does not constitute defamation by Mr. Musk;
8. that the tweet made by Mr. Musk as reflected in Exhibit G to the Complaint does not constitute defamation by Mr. Musk;
9. that the tweet made by Mr. Musk as reflected in Exhibit I to the Complaint does not constitute defamation by Mr. Musk;

1 The Court, having considered Defendant's Motion for Summary
2 Judgment or in the alternative Partial Summary Judgment, the briefs filed by the
3 parties relating thereto, the declarations and exhibits in support thereof, the other
4 pleadings and papers on file in this action, the arguments of counsel, and good cause
5 appearing, **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** as
6 follows:

7 1. Defendant's Motion for Summary Judgment is **GRANTED** in favor of
8 Defendant Elon Musk on Plaintiff's defamation claim in its entirety. The evidence
9 presented by Plaintiff, as a limited purpose public figure, fails as matter of law to
10 demonstrate Defendant acted with actual malice. Plaintiff may not maintain its
11 defamation claim against Elon Musk.

12 Or, in the alternative:

13 2. Partial summary judgment is **GRANTED** in favor of Defendant Elon
14 Musk that Plaintiff is a limited purpose public figure for purposes of his defamation
15 claim.

16 3. Partial summary judgment is **GRANTED** in favor of Defendant Elon
17 Musk that the article published on the BuzzFeed website, on September 4, 2018, as
18 reflected in Exhibit K to the Complaint, does not constitute defamation by Mr. Musk.

19 4. Partial summary judgment is **GRANTED** in favor of Defendant Elon
20 Musk that the tweet made by Mr. Musk as reflected in Exhibit B to the Complaint
21 does not constitute defamation by Mr. Musk.

22 5. Partial summary judgment is **GRANTED** in favor of Defendant Elon
23 Musk that the tweet made by Mr. Musk as reflected in Exhibit C to the Complaint
24 does not constitute defamation by Mr. Musk.

25 6. Partial summary judgment is **GRANTED** in favor of Defendant Elon
26 Musk that the tweet made by Mr. Musk as reflected in Exhibit D to the Complaint
27 does not constitute defamation by Mr. Musk.
28

4 8. Partial summary judgment is **GRANTED** in favor of Defendant Elon
5 Musk that the tweet made by Mr. Musk as reflected in Exhibit F to the Complaint
6 does not constitute defamation by Mr. Musk.

7 9. Partial summary judgment is **GRANTED** in favor of Defendant Elon
8 Musk that the tweet made by Mr. Musk as reflected in Exhibit G to the Complaint
9 does not constitute defamation by Mr. Musk.

10 10. Partial summary judgment is **GRANTED** in favor of Defendant Elon
11 Musk that the tweet made by Mr. Musk as reflected in Exhibit I to the Complaint
12 does not constitute defamation by Mr. Musk.

14 || Dated: October , 2019

Honorable Stephen V. Wilson
United States District Court Judge